

**FILED**

APR 08 2008

*[Signature]*  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
\_\_\_\_ DIVISION

John L. Feller  
Plaintiff,

CIV. 08-4051

vs.

COMPLAINT

Minnehaha County Jail / Minnehaha County / City of Sioux Falls  
Defendant. State of South Dakota  
Sheriff / Warden Devilen

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ( ) No (☒)

B. If your answer to "A" is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs \_\_\_\_\_  
\_\_\_\_\_

Defendants \_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county)

\_\_\_\_\_  
\_\_\_\_\_

3. Docket number \_\_\_\_\_

4. Name of Judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

6. Approximate date of filing lawsuit \_\_\_\_\_

7. Approximate date of disposition \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT Minnehaha County Jail

A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ☒ No ( )

C. If your answer is yes, There is many various grievances

1. What steps did you take? Filled out grievance, explained everything in precise detail, expressed how I felt about the issue on some of them

2. What was the result? Every response is Negative, denied, Sometimes response had nothing to do with the issues

D. If your answer is no, explain why not \_\_\_\_\_

E. If there is no prison grievance procedure in the in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If you answer is yes,

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

III. PARTIES

In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff John L Feller  
Address 500 N. Minnesota Ave Sioux Falls, SD 57104

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Name of Defendant Minnehaha County Jail who is employed as  
Staff at Minnehaha County Jail at 500 N. Minnesota Ave Sioux Falls, SD.

C. Additional Defendants Minnehaha County/city of Sioux Falls/State of South Dakota Sheriff / Warden Devilen

#### IV. STATE OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet(s) if necessary.

Minnehaha County Jail (place of incidents), City Sioux Falls (Jail is Maintained), State of South Dakota (Responsibility lies in all who Condone Such Conduct in their Facilities), Sheriff Mike Milstead (in his professional Capacity), Warden Devilen (in his professional capacity) oversees The Correction Officers and Conduct of those officers. Also is to maintain a safe and secure/ Healthy environment for Inmates Housed in Such Jail.

#### V. RELIEF

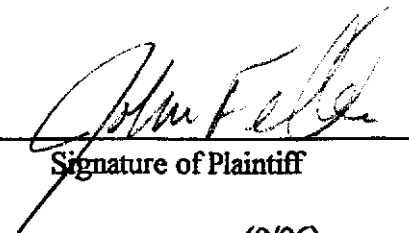
State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Reprimand the jail. Enforce policies and procedures. Have them monitored By certain Responsible monitors that do not work at the jail, Keep an eye on their procedures and productivity. make sure everything is in order, on a periodic basis indefinitely. Enforce an appropriate Sum of currency submitted to me. For Medical, psychological Counseling, Medications, Transportation for the forementioned, and cost of Living for the period of time that I will be unable to work till my mind is in better psychological Stability (probably couple months), missing items the Staff lost, Damages for Negligence, pain and suffering,

*\* Continued on extra sheet.\**

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signed and executed this 3<sup>rd</sup> day of April, 2008.

  
Signature of Plaintiff

(9/96)

V Cont. mental anguish, incompetence, cruel and unusual punishment outside of disciplinary Rules or guidelines, and being unreasonably assertive for purposes of Compliance. I am requesting 2.5 million dollars for all of the above. I am also asking for the listed defendants to pay costs of Court, Attorney(s), and provisions in dealing with the case brought forth.

\* I am going to write a grievance for each issue, For each one, Unresolved by the OFFICERS, I am going to have to Re-Write over again and send those to you. Some May just go to you. Regardless. Those ones have an X.

This is a list (copy) of issues. The original Submitted to Warden.

\* Some have already been written and unresolved. There are a Few going to Re-Write the OFFICERS. BUT the rest are X's.

# ISSUES \*

- X1 [REDACTED] I came to D block. I had to wait 3 days til I got my things [REDACTED] times.
- X2 [REDACTED]
- X3 when my things were Rummaged Through and Packed up for me (Jan. 15<sup>th</sup>) when I came to D block. I had quite a few things missing. (2 chessboards, 2 w/cloths, Black T-Shirt, Thermal, personal white boxers, personal socks, personal paper Tooth brush, dictionary, I don't remember anything else all the top of my head.
- X4 Brosier 879. Responding to my Grievances and Requests over & over, preventing me From Finding my missing things.
- X5 Brosier 879 Caused me Very much grief and would not stop Responding No matter what.
- X6 Brosier 879 Obviously has something personal with me. (personal conflict)
- X7 Brosier 879 Abusing his power and authority.
- X8 I got 30 days lockdown for chew. No-one I've ever heard of has gotten Long especially and including inmates on Russell.
- X9 I have never been to D block before For Discipline, I appealed and asked for a time out and was denied (And I was over the 1/2 way point of my Lockdown).
- X10 2 pictures of my best Friends that are in my property That are not polaroids or Sex explicit. They were considered inappropriate by Mattson who obviously has something against me. Those 2 pictures are not inappropriate and I would like to have them back.
- X11 Mattson having something personal with me. (personal conflict)
- X12 Inconvenience of Grievances and Request Forms. Only being allowed one at a time is ridiculous. I have to ask For things over and over and wait a long time. Sometimes never even Receiving. When I have preplanned intentions For the Forms I request. I would like however many I need.
- X13 No Resolution For my missing things as of yet. I'm Very Very pissed off at my 2 washcloths (that were in good condition) and my personal papers.
- X14 No Resolution on my 2 pictures as of yet.
- X15 STAFFS Attitudes I'm tired of the ones who insist on being snippy snakes.
- [REDACTED]
- X17 Late Rec. and the Noise. Rec should not be going on that late for quite a few Reasons. There seems to be No Reason why Rec can't be given in the afternoons as well.
- X18 STAFFS ignorance...
- X19 Alcoholics Anonymous, unable to go
- X20 As Far as I know I'm being denied Trustee Work



[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

• 22 I sit in my cell 23 hrs a day getting Frustrated because of everything, I'm here by my own choice on Ad Seg and yeah I'm treated like I'm on Lockdown. I am speaking of the way some of the staff treat me. and with them getting all pissy for no reason.

X23 I have a long medical problem that was developed while in jail a few months ago. I've never had it before. It's like it - it hurts at times. I'm not sure if it's a heart attack or not. It's a long time since I've had it. And that freaks me out more.

X24 ~~Request Form to Med Staff, of Requesting an HIV and Hep~~  
~~test. Because I have become very seriously worried about it. And even tho~~  
~~that Request was sent to Med Staff, she responded and denied it.~~

X25 - I was threatened by a male FBI Agent (Name of Number) to be  
written up for the following charges: 1. Possession of a  
written and ready to go. Each one legitimate.

X26 - I was deceived literally by the psych Dr from S.E.B.H. Trying to impress  
 2 Take Saraguri, even after the fact that I won't ever  
 Take Meds like that. And I'm not going to take any more.  
 Make me sick and Bitter. The said that Saraguri is different (Saraguri)  
 and that it doesn't make you happy. So I let add it on with my other Meds.  
 I took one and I slept for 4 days and 4 nights. I felt like I was  
 Hungry, I was more than 100 lbs. Hungry, I agitated, and sleep  
 enough as it is. This made me very upset.

X He told me that the officer that threatened to write me up for legal envelopes, came to see me and showed me my legal letters and I pointed to them and said "these". He picked them up and started reading through them, he interrogated me as to the questions about them. That is how he found out. He said "it is all right" and then he then departed and said he would bring me some more paper and never did. His men brought me some paper and I was able to make them. This is definitely crossing way over the line. By the way, I was aware that someone was listening on the intercom, while the male officer was in my cell.

x28 I have Requested and Grievanced several times about how cold it is in these cells. I requested an extra blanket. I get really really cold. I can't deal with it like a lot of other people can. They (Brosier) Temp on my cell once. It was 70° I don't care I'm still very damn cold. How can any of the officers know what the temp is throughout the day Every day?

229 There was a Lady Officer one Night she was in my D block. She had the most horrible attitude (Like when a woman Hates all Men and wants them to suffer) The attitude was like that. I stood There by the slider door she ignored me then she got up and went over to visit and chat w/ her other ~~other~~ Lady Officer Friend. I pushed the button, she didn't even notice for quite a bit, when she did she came back to where she was and gave me that "What" Like I'm making her life Hell. I asked her C.O. she gave me her and the other officers. I told her I just wanted her #1 and she would Not give it to me. After I asked twice she said ask the officer when they go around.

X30 The officer who came around was a Sgt. The same one who threatened to write me up for a grievance. I asked him her C.O. #1. He Hissed more or less and began yelling at me, he not only refused to give me her #1 He said he was writing me up for writing a grievance the day before.

•31 Enduring way too much grief.

•32 Being Run around in circles (about many things)

X33 I have been deprived of my Legal information search. I requested the Law Library, and to look at 2 encyclopedias briefly in the classroom. Nope, Neither.

•34 I have received No responses on Several grievances I've submitted over a couple weeks ago.

A Big Big problem with my medications. being Switched around Reversing and decreased. All with No given notice or explanation. And certain Med Staff were being Very Unco-operative about finding out what's going on.

X36 715 was requesting too much personal information on my Request for HIV test. I don't think she needs to know all that she was asking, especially since she is not Med Staff.

X37 715, I feel there's a personal conflict, if its who? think it is Jenn. She knew my X-Step mom, and has also met me before Jail when she worked at Country Kitchen. She obviously really hates me. (I wouldn't know exactly for sure why, That was about 10 years ago.)

X38 Requests are all consistently denied.

X39 People Responding to Forms addressed to someone other than them.

•40 Staff lying

•41 My phone book Search.

•42 Grievances and requests do Nothing

X43 According to every response I ever get, The Staff are perfect and I ALWAYS ~~was~~ <sup>am</sup>

X44 Having to fill out grievances and Requests over and over

X45 My Commissary Snacks that I've been trying to get back for the last month. Smith brought them into the property room last I saw, when I came to D block. No-one will Return them to me, So My Snacks may be missing also

46. The pink indigent writing paper is crap. I can't believe a person ~~can~~ be expected to write anything on this paper, let alone a letter. Especially if it's a Legal Letter or letter of some kind. And the paper is pink. Who wants to keep a pink letter around?

47. Indigent pencils the length of a pinky. I have arthritic problems. I'm sure I'm not the only one. That is a lot of painful Hell for a person to write with. Plus for it to last 2 weeks, that is completely ridiculous.

48 Thompson ignoring me and others completely. She uses the excuse that she's not an officer, it's not her job to deal with us, and all that jazz. If it's not her job to deal with us or whatever, why is she sitting on the chair fixing Dubs plus asking us on the intercom if we want our Rec. And is the respondent to the intercom. That makes no sense.

49 Brosier says He never received anything including on the computer about not responding to my Requests and Grievances. He has still yet been responsive. I was under the impression that you were going to End his and Mattson, and let them a note or something on the computer.

50 I've Requested that Brosier 879 to not come Near me (especially out of view of surveillance or anyone) without having another officer with him. For example if he plans to come in my cell for any reason other than Urgently required to or an emergency, without another officer with him. And for him to stop Responding to my forms. On the last grievance I wrote to him that if he responds to me other than that one grievance, and if he disrespects and defies my Request, I will get a protection order of some kind or whatever. He has already made things worse than they are. Seriously.

A letter of my Legal mail was Returned to me, when I received it it was already opened and treated as normal mail. It has been entered on the computer. Anyone can plainly see that it's Legal Mail. Right when the officer handed me my mail, immediately I asked why my Legal Mail was as it was. He said "I don't know". I want to know who opened my letter. I'm sure that can be found by seeing who entered it on the computer on 3-12 or 3-13-08.

You don't have to worry about the ones that are circled. I'm not re-writing those ones again.

With all these issues, this is a lot of stress. Nothing is being done about anything. No-one seems to realize that with all this added together, this is pretty serious. And more and more keeps adding on. This jail is a big mess... Things need to be fixed. Is this jail going to take responsibility for whatever condition my mind is in throughout the time here and especially when I leave this place??? How many more issues will I have to endure before action is taken?

John Feller Turn

The ones with O? I think you already got? I know about them. I have X, but I'll write these ones to officers already. A couple are going directly to you cause I know it's too much for the officers.



Personal Medical problem. I was Finally seen by a Dr. For my personal Anatomic Problem that I developed while here in Jail. The visit with the Dr. Was ridiculous. I Was very uncomfortable with the way I was touched, Just to be told something that I already know. This problem needs to be treated, a mere analyzation does not Fix my problem. This causes me serious pain. Its very abnormal. It freaks me out. The Jail is Neglecting my medical Needs. The Dr. thinks just because I am not going to have sex with Anyone in Jail that Nothing needs to be about it. And I did not appreciate the comment he made. That is not the point, it needs to be treated and Fixed. But Nothing is being done about nor is there any attempt. I'm not very satisfied with The Lack of Responsibility of this Jail.

Twice now my legal mail (incoming) has been opened like a normal Letter and more than Liked read.

54. Every Response given to me is written in defense and justifications.

please disregard side notes with X's through them.  
those were notes for the Warden.. Thank you